

10570043  
10570043  
10570043

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of :  
Martin FUSSENEGGER et al. : **Mail Stop: PCT**  
Serial No. NEW : Attorney Docket No. 2006\_0153A  
Filed March 1, 2006 :

REGULATABLE GENE EXPRESSION IN  
MAMMALIAN CELLS AND MAMMALS  
[Corresponding to PCT/EP2004/051997  
Filed September 2, 2004]

---

**INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Pursuant to the provisions of 37 CFR 1.56, 1.97 and 1.98, Applicants request consideration of the references listed on attached form PTO-1449 and any additional information identified below in paragraph 3. A legible copy of each reference listed on the Form PTO-1449 is enclosed, except a copy is not provided for:

- ☐ each U.S. Patent and U.S. Patent application publication;
- ☒ each reference previously cited in the international application  
PCT/EP2004/051997; and/or
- ☐ each reference previously cited in prior parent application Serial No.  
\_\_\_\_\_.

1a. ☒ This Information Disclosure Statement is submitted:

within three months of the filing date (or of entry into the National Stage) of the  
above-entitled application, or

before the mailing of a first Office Action on the merits or the mailing of a first Office Action after the filing of an RCE,

**and thus no certification and/or fee is required.**

1b. ☐ This Information Disclosure Statement is submitted

after the events of above paragraph 1a and prior to the mailing date of a final Office Action or a Notice of Allowance or an action which otherwise closes prosecution in the application, and thus:

(1) ☐ the certification of paragraph 2 below is provided, **or**

(2) ☐ the fee of \$180.00 specified in 37 CFR 1.17(p) is enclosed.

1c. ☐ This Information Disclosure Statement is submitted:

after the mailing date of a final Office Action or Notice of Allowance or action which otherwise closes prosecution in the application, and prior to payment of the issue fee, and thus:

**the certification of paragraph 2 below is provided, and**

**the fee of \$180.00 specified in 37 CFR 1.17(p) is enclosed.**

2. It is hereby certified

a. ☐ that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the Statement, or

b. ☐ that no item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the person signing the certification after making reasonable inquiry, was known to any individual designated in §1.56(c) more than three months prior to the filing of the Statement.

3. ☐ Consideration of the following list of additional information (including any copending or abandoned U.S. application, prior uses and/or sales, etc.) is requested.
4. For each non-English language reference listed on the attached form PTO-1449, reference is made to:
- a. ☐ a full or partial English language translation submitted herewith,
  - b. ☐ a foreign patent office search report (in the English language) submitted herewith,
  - c. ☐ the concise explanation contained in the specification of the present application at page,
  - d. ☐ the concise explanation set forth in the attached English language abstract,
  - e. ☐ the concise explanation set forth below or on a separate sheet attached to the reference:
5. ☒ A foreign patent office search report citing one or more of the references is enclosed.

Respectfully submitted,

Martin FUSSENEGGER et al.

By Warren M. Cheek, Jr.  
Warren M. Cheek, Jr.  
Registration No. 33,367  
Attorney for Applicants

WMC/dlk  
Washington, D.C. 20006-1021  
Telephone (202) 721-8200  
Facsimile (202) 721-8250  
March 1, 2006

Sheet 1 of 1

## INFORMATION DISCLOSURE STATEMENT

FORM PTO 1449 (modified)

U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICELIST OF REFERENCES CITED BY APPLICANT(S)  
(Use several sheets if necessary)

Date Submitted to PTO: March 1, 2006

ATTY DOCKET NO.  
2006\_0153ASERIAL NO.  
NEWAPPLICANT  
Martin FUSSENEGGER et al.FILING DATE  
March 1, 2006

GROUP

## U.S. PATENT DOCUMENTS

*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	AA						
	AB						
	AC						
	AD						

## FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES NO
/ML/	AE	01/09357	2/2001	WO			
/ML/	AF	01/31047	3/2001	WO			Abstract
/ML/	AG	97/06269	2/1997	WO			
	AH						
	AI						

## OTHER DOCUMENT(S) (Including Author, Title, Date, Pertinent Pages, Etc.)

/ML/	AJ	A. Chen, "Acetaldehyde stimulates the activation of latent transforming growth factor- $\beta$ 1 and induces expression of the type II receptor of the cytokine in rat cultured hepatic stellate cells", The Biochemical Journal, Vol. 368, December 15, 2002, pp. 683-693.
/ML/	AK	M. Flipphi et al., "Characteristics of physiological inducers of the ethanol utilization (alc) pathway in <i>Aspergillus nidulans</i> ", Biochemical Journal, Vol. 364, No. 1, May 15, 2002, pp. 25-31.
/ML/	AL	W. Weber et al., "Gas-inducible transgene expression in mammalian cells and mice", Nature Biotechnology, Vol. 22, No. 11, pp. 1440-1444, November 2004.
/ML/	AM	M. R. H. White, "Analysis of alcohol regulated gene expression in mammalian cells", Online! Internet Article, November 11, 1999, XP002265633.
/ML/	AN	T. H. M. Smits et al., "New Alkane-Responsive Expression Vectors for <i>Escherichia coli</i> and <i>Pseudomonas</i> ", Plasmid, Vol. 46, No. 1, pp. 16-24, July 2001.
	AO	

EXAMINER

/Maria Leavitt/

DATE CONSIDERED

04/15/2008